



S/N 09/150,813

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Grainger et al.
Serial No.: 09/150,813
Filed: September 11, 1998
Title: COMPOUNDS AND METHODS TO INHIBIT OR AUGMENT AN INFLAMMATORY RESPONSE

Examiner: Fozia Hamud
Group Art Unit: 1646
Docket: 295.027US1

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement mailed October 18, 1999, Applicant provisionally elects, with traverse, the species designated (i) (claims 17, 20, 22, 34, and 51), which is directed to a method of preventing or inhibiting an indication associated with a chemokine-induced activity. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks presented hereinbelow, is respectfully requested.

Although the Examiner has assigned claims 40-44 to species (x), claims 41-44 are dependent upon claim 17, which is among the claims of species (i). Thus, it is Applicant's position that species (i) includes claims 17, 20, 22, 34, 41-44 and 51.

The requirement to elect species is traversed on basis that the recited species are not "independent". Where there is no disclosure of a relationship between species, the species are independent. M.P.E.P. § 808.01(a). Applicant's specification discloses that indications associated with a chemokine-induced activity include: 1) histamine release (claim 21; page 48, lines 21-22; species (ii)); 2) vascular indications (claim 24; page 47, lines 2-6; species (iii)); 3) infection with lentiviruses (claims 25-27; page 47, lines 9-10; species (iv)); 4) low bone mineral density (claim 28; page 47, lines 7-8; species (v)); 5) autoimmune disorders (claim 31; page 47, lines 25-27; species (vi)); 6) tumor growth (claim 32; page 49, lines 2-4; species (vii)); 7) psoriasis (claim 33; page 48, line 15; species (viii)); 8) wound healing (claim 35; page 49, line 10; species (ix)); 9) asthma (claim 40; page 47, line 16; species (x)); 10) organ transplant rejection (claim 48; page 47, lines 13-14; species (xii)); 11) rheumatoid arthritis (claim 49; page 47, line 26; species (xiii)); and 12) allergy (claim 50; page 47, lines 20-23; species (xiv)).

Thus, claims which recite the use of peptide 3 to inhibit or prevent a particular indication that is associated with a chemokine-induced activity (i.e., claims 20-22, 24-28, 31-33,

35, 40-44, 48-50, and 51) read on claim 17. Thus, the requirement is properly traversed, and reconsideration is respectfully requested.

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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By their Representatives,

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Date

December 17, 1999 By Janet E. Embretson
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on December 17, 1999.

Name

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